

Appl. No. 10/756,832
Amdt. dated October 25, 2005
Reply to Office Action mailed August 3, 2005

REMARKS/ARGUMENTS

Claims 1-10 are pending. Claims 5 and 7 have been withdrawn pending allowance of a generic claim. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Claim Objections

The Examiner has objected to Claim 1 as lacking the word "member" after "support." Applicant has amended Claim 1 to insert the word member after support as requested by the Examiner.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claim 8 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner notes that the phrase "the additional projection" lacks prior antecedent tastes. Applicant has amended claim eight to recite an additional projection.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 4, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 908,265 (hereinafter "Ivey").

The presently claimed invention relies on "vertically upward movement of the rider's foot out of the normal use position" to cause at least one mounting to release the foot support member. The foot support member can then move in the same direction as the rider's foot, either forward or rearward, until the foot support member is fully disconnected from the U-shaped mounting member. That is, the stirrup of the present invention provides two-way release. This is consistent with the description at page 6 which states that the present invention relies on a vertical force component to cause vertical movement of the foot support relative to the U-shaped member. The foot support is thus shifted into a position where it can move in the same forward or rearwards direction as the rider's foot until the foot support its fully disconnected from the U-shaped mounting member.

This distinguishes the present invention from safety stirrups of the prior art. The prior art includes one-way stirrups that only release when the rider's foot rotates rearwards, and two-way stirrups that release forwards or rearwards in the direction of rotation of the rider's foot. As stated in the specification at page 4, the pressure exerted by a rider's foot during hard riding can be sufficient to pivot the restraint means out of the normal position, causing sudden release of the rider's foot from the U-shaped part of the stirrup. The present invention overcomes this problem of the prior art stirrups because vertically upward movement is required to make the stirrup release - such as occurs when a rider is thrown from a horse.

The Ivey invention differs from the present invention because it is a one-way stirrup not a two-way stirrup. Furthermore it does not require vertically upward movement to release. In fact, there cannot be any vertically upward movement because the lip (4) on arm (3) hooks around the bottom of pin (13), thus preventing any vertically upward movement of arm (3) relative to side portion (10). At line 85, Ivey describes the revolving of the tread member (9) upon the pin (13). The tread member is limited to revolving one-way and it cannot move vertically upwards by virtue of the arrangement of the pins (8) and (13), the hook (11) and the lip (4). For these reasons Ivey does not anticipate the currently claimed safety release stirrup. Applicant therefore respectfully requests the Examiner's rejection under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claim 9 under 35 U.S.C. § 103(a) as being obvious over Ivey in view of U.S. Patent No. 1,052,327 (hereinafter "Eddleman").

As noted above, Ivey relates to a release stirrup that is fundamentally different from the stirrup of the present invention. Ivey teaches a one-way stirrup and release is based purely on rotatory movement of the rider's foot in one direction. Conversely, the present invention is a two-way stirrup that requires vertically upward movement of the rider's foot before the stirrup releases in the direction of movement of the rider's foot.

The invention described in Eddleman is fundamentally different from both Ivey and the present invention. In use, the invention of Eddleman causes the entire stirrup to disengage from a stirrup casing, which is connected to the saddle by a stirrup strap. The stirrup of Ivey and the present invention relates to interrelating parts of a stirrup that disengage, leaving at least one of the interrelating parts connected to the stirrup strap. Thus, Eddleman teaches the use of an actuating means (22) that acts against a helical spring (25), and in another part of the mechanism, a locking member (13) having a knob (14) acting against helical spring (15). Neither of these biasing means are located within the stirrup, that is, within the U-shaped part of the stirrup or the foot restraint/footplate. Both are located in the stirrup casing.

Therefore, a skilled artisan would not apply the teaching of Eddleman regarding the use of biasing means in a stirrup casing to the actual stirrup per se. Ivey teaches the use of hooks and pins and there is no reason or need to include the springs of Eddleman to keep the hooks, or any other part of the Ivey stirrup in place in addition to having a two-way release and requiring vertically upward movement of a rider's foot to cause the stirrup to release. Accordingly, the skilled artisan would not combine the entirely different approaches to a releasable stirrup taught by Ivey and Eddleman as the proposed modifications would change the principal of operation of each device and would not result in a safety stirrup recited in Claim 9 of the instant application. Therefore, Applicant requests that the Examiner's rejection of Claim 9 over the combination of Ivey and Eddleman be withdrawn.

The Examiner has rejected Claim 10 under 35 U.S.C. § 103(a) as being obvious over Ivey in view of U.S. Patent No. 5,979,149 (hereinafter "Martin").

While it may be obvious to manufacture the safety stirrup of Ivey out of non-metallic material there is no reason for the person of ordinary skill to manufacture the present invention out of non-metallic material. As described above, the skilled artisan, upon reading Ivey, may comprehend a one-way stirrup comprising hooks and pins that prevent any part of the stirrup from moving vertically upwards. They would not comprehend a safety stirrup requiring vertically upward movement and two way release. For these reasons, the present invention as claimed in

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claim 10 is not obvious in the light of the combination of Ivey and Martin and Applicant requests that the Examiner's rejection based upon this combination of references be withdrawn.

Double Patenting

The Examiner has rejected Claims 1-4, 6 and 8 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Patent No. 6,698,169. Included with this Response is a terminal disclaimer over U.S. Patent No. 6,698,169 fully complying with 37 CFR § 3.73(b). In light of this terminal disclaimer, the rejection based on double patenting is moot and Applicant requests that the Examiner's rejection based on the judicially-created doctrine of obviousness-type double patenting be withdrawn.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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